

APPEAL HEARING MINUTES

1. Kind of meeting: Appeal Hearings

2. Date: February 23, 2017 **Place:** Hearings Room

3. Present: Jeff Painter, Judith Napier, Christopher Curtis, Henry Marsh, AAG James M. Flaherty, Pam Boggs, Melissa Custis, & Kristie Miles

- 10:06 a.m. - Hearing was called to order
 - 7 Eleven Store 10826 A – Rick A. Turner, Franchisee
 - Buffalo Mo's Tap & Grill – Andrew J. Cornick, Esq. Attorney for the licensee
David Unroe, President
- 10:30 a.m. - Closed session - With no further cases J. Painter moved that the Board enter closed session pursuant to 2.2-3711(A)(7) to receive advice from counsel; H. Marsh seconded and motion passed unanimously.
(Painter, J. Napier, Marsh) voted to go into closed session. Attendance at closed session was J. Painter, C. Curtis, J. Napier, H. Marsh, AAG J. Flaherty, and P. Boggs.
- 11:40 a.m. - J. Painter made a motion to return to open session, H. Marsh seconded the motion and the Board voted unanimously to go back into open session. The Board then certified by voice vote that nothing was discussed in the closed session but legal matters pursuant to 2.2-3711(A)(7). Vote was unanimous.
 - 7 Eleven Store 10826 A – J. Painter motioned to substantiate the charge but, modify the initial decision dated November 8, 2016; The privileges of purchasing and selling alcoholic beverages granted by the license is suspended for thirty (30) days; provided, however, that upon payment of five thousand dollars (\$5000.00) as a civil penalty the suspension shall be terminated; H. Marsh seconded and the motion was passed unanimously..
 - Buffalo Mo's Tap & Grill., - J. Painter moved to allow the additional evidence presented by the licensee; J. Napier seconded the motion and it was carried unanimously.
J. Painter motioned to substantiate the charge but, modify the initial decision dated October 26, 2016; The privileges of purchasing and selling mixed beverages granted by the license is suspended for thirty (30) days; provided, however, that upon payment of one thousand dollars (\$1000.00) as a civil penalty, the suspension shall be terminated at the end of ten (10) days. Additionally the licensee is required to submit a CPA-audited report of food and mixed beverage sales for the next MBAR report that is due after the date of the Board's Order in this matter; H. Marsh seconded and the motion was passed unanimously.
 - Jamie Carl Graham, Designated manager for TOWERS INTL, GOURMET SHOPS OF VA, INC. - J. Painter moves to adopt the Findings of Fact as contained in the initial decision, but makes its own Conclusions of Law and determines that Jamie Carl Graham be approved as designated manager. The Board instructed SAAG Alexander to write a special notice of modification to be included with the decision; C. Curtis seconded the motion and the motion was passed unanimously.

- McCormack's Whisky Grill & Smokehouse - J. Painter motioned to substantiate the charge and uphold the Initial Decision dated October 19, 2016. The decision was that the privileges of purchasing and selling mixed beverages shall be suspended for thirty (30) days; provided however, that upon payment of one thousand dollars (\$1,000.00) as a civil penalty, the suspension shall be terminated at the end of fifteen (15) days. Additionally, the licensee is required to submit a CPA-audited report of food and mixed beverage sales for the next MBAR report that is due after the date of the Board Order in this matter, H. Marsh seconded and the motion was passed with one dissenting vote.
 - Escape - J. Painter motioned to substantiate the charge, but modify the initial decision dated October 19, 2016. The privileges of purchasing and selling mixed beverages granted by the license is suspended for 60 days; provided, however, that upon payment of \$2500.00 as a civil penalty, the suspension shall be terminated at the end of 30 days. H Marsh seconded and the motion was passed with one dissenting vote.
- 11:55 a.m. – With no further business – J. Painter moved to adjourn for the morning, J. Napier seconded the motion and the motion was passed unanimously.